

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U. S. DISTRICT COURT
DISTRICT OF NEBRASKA

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UNITED STATES OF AMERICA,)	CR90-L-40
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM AND ORDER ON
)	MOTION TO DETERMINE COSTS
)	
WALTER T. DREWEL,)	
)	
Defendant.)	

ROBERT H. EBEL
CLERK *hu*

For the purpose of determining whether the defendant was competent to stand trial, I ordered an examination under 18 U.S.C. § 4241(a). The defendant failed to appear at the first scheduled appointment, but did appear at the second scheduled time and was examined. The examining psychiatrist has billed the government \$120 for the uncanceled appointment and \$120 for the consultation. The government objects to paying for the uncanceled appointment.

The equities go in different directions. It was not the government's fault that Mr. Drewel did not appear for the first appointment. Neither, however, was it the fault of the psychiatrist. By right, Walter Drewel should have to pay for the uncanceled appointment, but he did not ask for the examination and I cannot require him to pay. I think I have to treat the matter as more the obligation of the government than of the doctor to present the defendant for the examination.

IT IS ORDERED that the amount of \$240 shall be paid to Dr. John D. Baldwin, Lincoln Psychiatric Group, 2221 South 17th Street, Suite 110, Lincoln, Nebraska, 68502 for the uncanceled appointment and the consultation.

Dated August 14, 1991.

BY THE COURT

Harren R. Johnson
United States Senior District Judge